

AMENDED IN SENATE APRIL 16, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 492

Introduced by Senator Hernandez

February 21, 2013

An act to repeal and add Sections 3041 and 3041.2 of the Business and Professions Code, relating to optometry.

LEGISLATIVE COUNSEL'S DIGEST

SB 492, as amended, Hernandez. Optometrist: practice: licensure.

The Optometry Practice Act creates the State Board of Optometry, which licenses optometrists and regulates their practice. Existing law defines the practice of optometry to include, among other things, the prevention and diagnosis of disorders and dysfunctions of the visual system, and the treatment and management of certain disorders and dysfunctions of the visual system, as well as the provision of rehabilitative optometric services, and doing certain things, including, but not limited to, the examination of the human eyes, the determination of the powers or range of human vision, and the prescribing of contact and spectacle lenses. Existing law provides that the State Board of Optometry is required, by regulation, to establish educational and examination requirements for licensure to ensure the competence of optometrists to practice. Any violation of the act is a crime.

This bill would delete the definition of the practice of optometry and would instead provide that a licensed optometrist would be authorized to perform certain health-related services, including, but not limited to, examining, preventing, diagnosing, and treating any disease, condition, or disorder of the visual system, the human eye, and adjacent and related structures *of the visual system*, prescribing appropriate drugs, including

narcotics, and administering immunizations *and to diagnose other common primary care conditions that have ocular manifestations. The bill would also authorize an optometrist, who is operating under a protocol with a physician and surgeon or a health care facility, or participating in a specified system of care in which the patient is being otherwise treated, to initiate treatment and manage medications for those diagnosed conditions.* The bill would require the board to require applicants for licensure to successfully complete specified examinations, and would authorize the board to require the passage of additional examinations with regard to competency to utilize diagnostic and therapeutic pharmaceutical agents, if not covered by the required examinations.

Because this bill would change the definition of a crime, it would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3041 of the Business and Professions
- 2 Code is repealed.
- 3 SEC. 2. Section 3041 is added to the Business and Professions
- 4 Code, to read:
- 5 3041. (a) An optometrist license authorizes the holder to do
- 6 all of the following:
- 7 (1) Examine, prevent, diagnose, and treat any disease, condition,
- 8 or disorder of the visual system, the human eye, and adjacent and
- 9 related structures *of the visual system.*
- 10 (2) The use or prescription of appropriate drugs, including
- 11 narcotic substances other than those listed in Schedule 1.
- 12 (3) The performance of *minor* surgical and nonsurgical primary
- 13 eye care procedures requiring no more than topical or local
- 14 anesthetic, or both, *consistent with an optometrist's education and*
- 15 *training.*

1 (4) The use or prescription of visual therapy, ocular exercises
2 or vision habilitation, and rehabilitation services.

3 (5) The performance or ordering of appropriate laboratory and
4 diagnostic imaging tests.

5 (b) An optometrist may administer immunizations.

6 (c) In addition to diagnosing and treating conditions of the visual
7 system pursuant to subdivision (a), an optometrist may diagnose
8 other *common primary care* conditions that have ocular
9 manifestations, ~~initiate treatment, and, in consultation with a~~
10 ~~physician, manage medications for these conditions.~~

11 (d) *In addition to the authority provided in subdivisions (a) to*
12 *(c), inclusive, an optometrist who is operating under a protocol*
13 *with a physician and surgeon or a health care facility, or*
14 *participating in a medical home, accountable care organization,*
15 *or other system of care in which the patient is being otherwise*
16 *treated, may initiate treatment and manage medications for*
17 *conditions diagnosed pursuant to subdivision (c).*

18 SEC. 3. Section 3041.2 of the Business and Professions Code
19 is repealed.

20 SEC. 4. Section 3041.2 is added to the Business and Professions
21 Code, to read:

22 3041.2. (a) The State Board of Optometry shall establish, by
23 regulation, educational and examination requirements for licensure
24 to ensure the competence of optometrists to practice.

25 (b) On and after January 1, 2014, the board shall require each
26 applicant for licensure to successfully complete the Part I, Part II,
27 and Part III examinations of the National Board of Examiners in
28 Optometry.

29 (c) On and after January 1, 2014, the board shall require each
30 applicant for licensure to successfully complete an examination
31 in California law and ethics developed and administered by the
32 board.

33 (d) On and after January 1, 2014, the board may require passage
34 of additional examinations to ensure the competency of licentiates
35 to utilize diagnostic and therapeutic pharmaceutical agents, if not
36 otherwise covered by the examinations required pursuant to
37 subdivisions (a) and (b).

38 SEC. 5. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

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